

JUDGE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,)	NO. CR13-5457BHS
)	
Plaintiff,)	
)	ORDER DIRECTING COMPETENCY
vs.)	EXAMINATION
)	
DAVID AMBRIZ CRUZ, JR.,)	
)	
Defendant.)	
_____)	

Based on the information presented in the Unopposed Motion of Colin Fieman, attorney for the defendant, David Cruz, Jr., for a Competency Examination pursuant to 18 U.S.C. § 4241(b) and 18 U.S.C. § 4247 (b) and (c), the records and files in this case, the Court finds that there is reasonable cause to believe that defendant, David Cruz, Jr., presently suffers from a mental disease or defect that renders him unable to assist properly in his defense and to understand the nature and consequences of the proceeding against him.

A period of delay is necessary to determine the mental competency of the defendant. Any such delay is excludable time under the Speedy Trial Act, as contemplated by Title 18, United States Code, Section 3161(h)(1).

Accordingly, the motion for a competency examination pursuant to 18 U.S.C. § 4241(b) and 18 U.S.C. § 4247 (b) and (c) is hereby GRANTED.

1 IT IS HEREBY ORDERED that:

2 The defendant shall be examined by an expert designated by the Bureau of Prisons to
3 occur no later than within 30 days of the date of this order, and a report shall be filed with the
4 Court and provided to the parties pursuant to Title 18, United States Code, Section 4247(c).

5 The trial date in this matter is hereby continued until a date to be set by the Court
6 following the determination of the defendant's mental competency.

7 The period of time from the date of this order until the date that the Court determines
8 whether defendant is or is not competent is excludable time under the Speedy Trial Act as
9 "delay resulting from any proceeding, including any examinations, to determine the mental
10 competency . . . of the defendant" within the meaning of Title 18, United States Code, Section
11 3161(h)(1).

12 DONE this 8th day of April, 2014.

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16 BENJAMIN H. SETTLE
17 United States District Judge
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21 Presented by:

22 s/ Colin Fieman

23 COLIN FIEMAN

24 Attorney for David Cruz, Jr.
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